

**UNITED STATES BANKRUPTCY COURT**  
**EASTERN DISTRICT OF VIRGINIA**  
Richmond Division

In re: Theodore M. Dixon and	)	
Brenda W. Dixon	)	
	)	Case No: 17-30462
	)	Chapter 13
	)	
Debtors.	)	
_____	)	

**MOTION TO APPROVE PROPOSED LOAN MODIFICATION AGREEMENT**  
**ON 11005 SPRING MEADOW BLVD, FREDERICKSBURG, VA 22407**

Theodore M. Dixon and Brenda W. Dixon, the debtors, in the above-captioned case (the “Debtors”), by counsel, move this Court to approve a loan modification agreement (“Loan Modification”) with Ditech Financial, LLC. (“Ditech”) pursuant to Local Bankruptcy Rule 6004-4. In support thereof, the Debtors state:

**Jurisdiction and Venue**

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. § 157 and 1334.
2. Venue lies properly in this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding pursuant to 28 U.S.C. § 157.
3. The relief sought with this Motion is premised on section 363 of the Bankruptcy Code.

**Background**

4. The Debtor filed a petition for relief pursuant to chapter 13 of the Bankruptcy Code on January 30, 2017 [doc. 1].
5. On the date of the filing to the present, the Debtor owns the property at 11005 Spring Meadow Blvd, Fredericksburg, VA 22407 (the “Property”). Described as:

All that certain lot, parcel or tract of land, with all buildings and improvements thereon, with all rights and privileges thereto appurtenant, situate, lying and being in Spotsylvania County, Virginia, known and designated as Lot 172, Brookfield, Section 10D, at Salem Fields, as the same appears duly dedicated, platted and recorded in Deed Book 1775, page 820, and Plat File 7, pages 549-551, in the Clerk's Office of the Circuit Court of Spotsylvania County, Virginia.

Being the same property or a portion of the same property conveyed to Theodore Malcolm Dixon and Brenda W. Dixon, husband and wife, as tenants by the entirety with the right of survivorship by Deed dated May 11, 2000 from Marlin Homes, Incorporated filed on March 14, 2001 in Book 1949 at Page 648 in the Spotsylvania County records.

Commonly known as: 11005 Spring Meadow Blvd, Fredericksburg, VA 22407

6. The First Deed of Trust was held by Country Wide Bank, FSB and was recorded in the Spotsylvania County Land Records office on or about October 2, 2007 at instrument number 20070027907, in which the Debtors conveyed the Deed of Trust to Samuel I. White, PC, Trustee ("Samuel I. White") (attached as Exhibit A).
7. The First Deed of Trust is subject to a Corporate Assignment of Deed of Trust, recorded in the Spotsylvania County land records on or about May 12, 2015 at instrument number 150007413.002 (attached as Exhibit B), in which Country Wide Bank, FSB. grants, assigns and transfers the First Deed of Trust to Green Tree Servicing, LLC ("Green Tree").
8. On August 31, 2015, Green Tree merged with Ditech Mortgage Corporation ("Ditech").
9. A principal balance on the Property of \$301,573.78 is owed to Ditech as of April 18, 2017.
10. A Chapter 13 Plan and Related Motions (the "Plan") was filed on April 16, 2017 [doc. 15], and the Plan was confirmed on August 23, 2017 [doc 25].
11. The Loan Modification Agreement (attached as Exhibit C) is dated December 26, 2017.
12. The Summary of the Proposed Loan Modification is attached as Exhibit D.

**Basis for Relief**

13. The Confirmation Order vests the Property in the debtors. 11 U.S.C. § 1327.
14. The Debtors are permitted full rights of the Property, subject to the Confirmation Order, which notes that the “Debtors shall not encumber, refinance, sell or otherwise convey real estate without first obtaining an order of approval from this Court.”
15. Local Bankruptcy Rule 6004-4 outlines the procedures for the Debtor to request a mortgage loan modification after confirmation of a chapter 13 plan.

**Relief Requested**

16. The Loan Modification is in the best interest of the Debtors’ creditors and the reorganization of the Debtors’ financial affairs and estate.

Theodore M. Dixon  
Brenda W. Dixon  
BY COUNSEL

/s/ Martin C. Conway  
Martin C. Conway (VSB No. 34334)  
The Martin Conway Law Firm, PC  
12934 Harbor Dr, Suite 107  
Woodbridge, VA 22192  
855-848-3011  
571-285-3334 (facsimile)  
martin@conwaylegal.com  
*Counsel for Debtors*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was sent via electronic mail and/or first class mail, postage prepaid and filed electronically via CM/ECF on February 14, 2018 to all parties listed on the mailing matrix in this matter and the following parties:

Theodore and Brenda Dixon  
11005 Spring Meadow Blvd  
Fredericksburg, VA 22407  
*Debtors*

Carl M. Bates  
PO Box 1819

Richmond, VA 23218  
*Chapter 13 Trustee*

/s/ Martin C. Conway  
Martin C. Conway